

Message

From: Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]
Sent: 3/5/2018 4:50:58 PM
To: Kupchan, Simma [Kupchan.Simma@epa.gov]; Nalven, Heidi [Nalven.Heidi@epa.gov]; Hicks, Matt [Hicks.Matthew@epa.gov]
CC: Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: Discussion on State Assumption
Attachments: image2018-03-04-162221.pdf; Criminal Mens Rea Briefing.docx

Attached is a rough draft of my understanding of the state's thinking on the criminal intent issue. It is a rough draft and meant for our discussion only, please do not share. I have also attached the federal register notices I cite to. If we see some basis for this approach, I would want to talk about how to move forward with discussing this with OECA.

Just a heads up, I know that John Truitt (FDEP Deputy Secretary), and Robert Williams (FDEP GC) will be in DC for the WOTUS meetings. It would not surprise me if they talk to Matt, and likely about this.

Talk to you at 2:30

Phil

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